



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,856	12/11/2003	Frederic Hayem	16106US02	8105
23446 7590 05/03/2007 MCANDREWS HELD & MALLOY, LTD 500 WEST MADISON STREET SUITE 3400 CHICAGO, IL 60661			EXAMINER CASCA, FRED A	
			ART UNIT 2617	PAPER NUMBER
			MAIL DATE 05/03/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No.	Applicant(s)	
	10/733,856	HAYEM ET AL.	
	Examiner	Art Unit	
	Fred A. Casca	2617	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 23 April 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☒ Other: See Continuation Sheet.

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments filed on April 23, 2007 have been fully considered but they are not persuasive. In response to arguments that the combination of Neumann and Kransmo does not teach or suggest "Said Host Baseband Processor Enables Timing Synchronization ... On The Basis Of Timing Information Transferred To Said Host Baseband Processor From Said Baseband Co-Processor" in claim 1, the examiner respectfully disagrees and submits that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1,181,26 USPQ2d 1057 (Fed. Cir. 1993).

The combination of Neumann/Kransmo clearly teaches synchroniztion between two processor where a Host Baseband Processor Enables Timing Synchronization ... On The Basis Of Timing Information Transferred To Said Host Baseband Processor From Said Baseband Co-Processor (Kransmo, Fig. 2, col. 1, lines 41-44, 50-67, col. 2, lines 1-32, col. 4, lines 10-20, col. 4, lines 30-56, col. 5, lines 7-21, first note that the system of Kransmo clearly teaches a handoff process between a 3G network and a 2G network. The network that Kransmo's MS12 is camping on could be a 2G or a 3G (the camping network). Likewise the target network could be a 2G or a 3G network (the target network), but the two networks are the opposite of each other. Further note that Kransmo clearly explains that the two processors must synchronize in order for the handoff process to be a success. Thus, both processors much be able to synchronize, therefore both processors enable synchronization, which means that both processor must be able to synchronize in order for the synchronization process to be a success. Thus, both processors enable timing synchronization. Furthermore note that in a synchronous transmission involving a transmitter and a receiver, the transmitter and receiver's clocks must be synchronous. To establish this synchronization between the transmitter and the receiver's clocks, the transmitter sends pulses to the receiver, and the receiver uses these pulses to get in synch with the transmitter before the data transmission takes place. This transmitting of pulses is well known in art as the timing synchronization based on timing information transferred from the transmitter processor to the receiver processor (See synchronization details in William Stallings's "Data and Computer Communications", and also see "The Communication Handbook" by Jerry Gibson). In Kransmo's system, the processor for the camping network sends pulses to the processor of the target network, and based on these pulses the processor for the target network establishes synchronization between the processors. Thus, host baseband processors enable timing synchronization on the bases of timing information transferred to the host baseband co-processor).

With regards to applicant's remarks on frame timing, note that a frame holds a block of data for transmission and still synchronization takes place based on "Timing Information Transferred", in this case timing information on a frame (block of data). In other words, synchronization still takes place based on the timing of a group of data instead of one bit of data.

With response to arguments that the examiner is relying on inherency, it is noted that the purpose of synchronization is to ensure that two communicating systems are in the same time cycle, in other words in synch with each other (please see Newton's Telecom dictionary, William Stallings's "Data and Computer Communications", and "The Communication Handbook" by Jerry Gibson). To achieve this synchronous stage, the first system transmits to the second system timing information (information about first system's time) so that the second system sets its timing information according to the first system's timing information. This timing information could be for one frame (a group of bits) or for a single bit. Thus it is inherent that Kransmo's synchronization system depends on timing information sent from one processor to the other.

In response to applicant's arguments with reference to claim 15 that Schutte does not disclose, "generating within a multi-mode communication device, a timer capture interrupt during a predetermined timing phase of a first wireless communication system" and "Schutte does not disclose or suggest a multi-mode communication device that communicates via a first and a second wireless communication protocol", the examiner respectfully disagrees and asserts that it is the combinations of Neuman/Kransmo/Schutte that disclose the contents of claim 15, not Schutte by itself. The combo of Neuman/Kransmo discloses "a multi-mode communication device that communicates via a first and a second wireless communication protocol", see rejection of claim 1, and the concept of generating timing capture interrupts is very well known in the art and Schutte teaches it as well. Thus, the combinations Neuman/Kransmo/Schutte disclose all elements of claim 15 and the rejection of claim 15 is maintained.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, both Neumann and Kransmo teach multimode communication systems requiring dual processors. Furthermore, the concept of timing capture interrupt has frequently been combined with data communicating systems especially with synchronization applications.

Continuation of 13. Other: Applicant's arguments with reference to 35 U.S.C. 112 rejection of claims 1-14 are persuasive. The 35 U.S.C.112 rejection of claims 1-14 has been withdrawn.


LESTER G. KINCAID
SUPERVISORY PRIMARY EXAMINER